

# Consumers,

TAKE

# Action

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Remedial steps you  
can take if you  
have been  
defrauded.

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**A** CONSUMER GUIDE

FROM ATTORNEY GENERAL

**JEREMIAH W. (JAY) NIXON**



# Table of Contents

<b>Overview</b>	<b>3</b>
<b>Register a complaint</b>	<b>4</b>
<b>Cancel your contract</b>	<b>5</b>
<b>Contact Better Business Bureau, Attorney General's Office</b>	<b>6</b>
<b>Contact your credit card company</b>	<b>7</b>
<b>Contact an agency to help resolve complaints</b> State, federal, private agencies are listed	<b>8</b>
<b>File a lawsuit in small claims court</b> How small claims lawsuits are filed What happens in court How to prepare your lawsuit	<b>16</b>
<b>Seek legal action in other courts</b>	<b>20</b>
<b>Other AG brochures</b> available to consumers	<b>22</b>



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# Overview

3

**IF YOUR MUFFLER** still rattles after it was fixed or your \$250 catalog order still hasn't arrived after two months, you can try several remedies before filing a lawsuit as your last action.

A carefully worded complaint, cancellation of a sales contract or pursuit of monetary losses of up to \$3,000 in small claims court are all options for you before turning to a lawyer.



Always first try to settle a dispute out of court

## Register a complaint

**CONTACT THE OFFENDING** party and try to settle your dispute first before contacting outside help.

Complaints will be more effective if you send **copies** of receipts and other documents explaining your case.

If you are contacting the store or business by mail, send your complaint letter by registered mail and keep a copy for your records. If you are making your complaint in person, try to remain calm, but be firm and make sure you understand the other party.



# Cancel your contract

**MISSOURI LAW** allows you three days from the time you sign a **home-solicited credit sales contract** to cancel the sale. However you must do so by sending written notice to the company within three business days after the date of transaction. Keep a copy.

Once the business receives notice, it has 10 days to refund any goods or money that has been received, return any signed documents and inform you the business will pick up or let you keep items that were left behind.

State law does not cover emergency home repairs, sales and services, or cases in which circumstances do not allow the goods to be returned in as good condition as they were in when the buyer received them.

You also may cancel within three days any contract in which your house was put up as collateral or security for the contract.

Contracts for vacation timeshares can be canceled within five days.



To file a complaint with the Attorney General's Office, call the Consumer Protection Hotline:  
**800-392-8222**

## Contact Better Business Bureau, Attorney General

**CONTACT YOUR LOCAL** Better Business Bureau and the Attorney General's Office and file a formal complaint if you're not satisfied with the business.

If an individual or a business is violating the law, then action will be quicker if you contact both offices simultaneously.

If the offending party is located outside Missouri, then also contact that state's attorney general.

When informal attempts to settle a dispute are unsuccessful, you may turn to the Better Business Bureau, which has offices in St. Louis (314-645-3300), Kansas City (816-421-7800) and Springfield (417-862-4222).

The Better Business Bureau offers a free consumer arbitration service to settle disputes between businesses and consumers.

Both parties must agree to the process and any decision of the arbitrator is legally binding. An attorney is not needed. The arbitration process can be handled by mail, phone or in the office.



# Contact your credit card company

**IF YOU USED** a credit card to pay for a disputed service or product, you may be able to recover your money.

Write your credit card company a letter recording details of the matter. However, there is a deadline. You must mail the letter within 60 days after you receive the disputed bill.



Credit card companies may offer you some protection in disputes involving purchases.

## Contact an agency to help resolve complaints

**MISSOURI CONSUMERS** should take aggressive action to halt misleading business practices.

To help consumers take action, the Attorney General's Office has compiled a list of agencies and organizations familiar with consumer complaints and questions.

If you have encountered problems with an individual or business but are unable to resolve differences, remember to:

- Contact the company in writing regarding your problem. Always keep a copy of your letter for your files.
- Never send original documents, such as bills, to a company. Keep the originals for your files and send copies.
- Consider contacting one of the following agencies if you are unable to resolve a problem:





## **STATE AGENCIES**

### **DIVISION OF FINANCE**

Truman Building, Room 630

P.O. Box 716

Jefferson City, MO 65102-0716

**573-751-3242**

Handles complaints regarding mortgage bankers, companies issuing money orders, debt collection and harassment, credit bureaus, premium finance companies, and state banks.

### **DEPARTMENT OF INSURANCE**

Consumer Affairs

Truman Building, Room 830

P.O. Box 690

Jefferson City, MO 65102-0690

Consumer Hotline: **800-726-7390**

Handles complaints regarding insurance companies and will verify credentials of insurance sales representatives.

### **PUBLIC SERVICE COMMISSION**

Truman Building, Room 530

P.O. Box 360

Jefferson City, MO 65102-0360

**800-392-4211**

Investigates complaints against public utilities including service problems, overcharges and deposits, and manufactured housing (such as mobile homes) defects.



To file a complaint with the Attorney General's Office or to check if complaints have been made against a company, call the Consumer Protection Hotline:

**800-392-8222**

**OFFICE OF CHIEF DISCIPLINARY  
COUNSEL (FOR ATTORNEYS)**

3335 American Ave.

Jefferson City, MO 65109

**573-635-7400**

Processes grievances against attorneys in Missouri.

**SECRETARY OF STATE**

State Information Center

600 W. Main St.

Jefferson City, MO 65101

**Securities/investments: 800-721-7996**

Toll-free hot line handles complaints and inquiries concerning stockbrokers, broker-dealers and investments.

**General inquiries: 573-751-4153**

Provides information on registrations of corporations, fictitious names and benevolent organizations.

**FEDERAL AGENCIES**

**CONSUMER INFORMATION CENTER**

Consumer Information Catalog

Pueblo, CO 81009

**719-948-4000**

Provides a free Consumer Information Catalog on request.



## **AVIATION CONSUMER PROTECTION DIVISION**

U.S. Department of Transportation  
C-75

Washington, DC 20590

**202-366-2220**

Handles airline service complaints.

Consumers are encouraged to first contact  
the airline in an attempt to resolve a problem.

## **FEDERAL COMMUNICATIONS COMMISSION (FCC)**

2025 M St., N.W.

Room 6202 & 8210

Washington, DC 20554

**202-632-7553**

Handles complaints and inquiries regarding  
telephone systems, radio or television.

## **FEDERAL TRADE COMMISSION (FTC)**

Washington, DC 20580

(Accepts written complaints only)

You also may check your local telephone  
listing under "U.S. Government, Federal  
Trade Commission."



Call for  
federal  
info: The  
Federal  
Informa-  
tion  
Center  
provides  
phone  
numbers  
and  
general  
information  
about  
federal  
agencies  
and  
programs:

**800-688-  
9889**

**LABOR DEPARTMENT,  
WAGE AND HOUR DIVISION**

Kansas City district office: **913-551-5721**

St. Louis district office: **314-539-2706**

Springfield district office: **417-831-5227**

Handles wage disputes.

**NATIONAL HIGHWAY TRAFFIC  
SAFETY ADMINISTRATION**

U.S. Department of Transportation

Washington, DC 20590

Auto Safety Hotline: **800-424-9393**

TDD line: **800-424-9153**

Provides information about safety-related  
automotive problems.

**U.S. CONSUMER PRODUCT SAFETY  
COMMISSION**

Washington, DC 20207

Product Safety Hotline: **800-638-CPSC**

TDD line: **800-638-8270**

Receives reports regarding hazardous  
products or product-related injuries, and  
provides product-recall information.



**U.S. POSTAL INSPECTION SERVICE**

Chief Postal Inspector  
475 L'Enfant Plaza, S.W.  
Washington, DC 20260-2100

**202-268-4299**

Handles inquiries involving problems ordering merchandise or transacting business by mail, or if you suspect you have been a victim of a mail fraud or misrepresentation scheme.

**PRIVATE AGENCIES****AMERICAN ASSOCIATION  
OF RETIRED PERSONS**

601 E St., N.W.  
Washington, DC 20049

**202-434-2277**

Lobbies for seniors and provides legal counsel and other services for seniors.

**BETTER BUSINESS BUREAUS**

Kansas City: **816-421-7800**

St. Louis: **314-645-3300**

Springfield: **417-862-4222**

Handles consumer complaints throughout Missouri.

File a complaint in other states: If you file a complaint in Missouri against a company located in another state, you also should file a complaint with that state's attorney general.

### **DIRECT MARKETING ASSOCIATION**

DMA Mail Preference Service

P.O. Box 643

Carmel, NY 10512

Assists you in removing your name from mailing lists.

### **DIRECT MARKETING ASSOCIATION**

DMA Telephone Preference Service

P.O. Box 1559

Carmel, NY 10512

Assists you in removing your name from telephone lists.

### **MISSOURI LAWYER REFERRAL SERVICE**

St. Louis: **314-621-6681**

Kansas City: **816-221-9472**

Greene County: **417-831-2783**

Jefferson City: **573-636-3635**

Refers caller to a lawyer in individual's community throughout the state. There is a modest referral fee payable during the first 30-minute visit to the lawyer, which is returned to the Missouri Bar to help pay for the service. You will be charged by the lawyer for subsequent visits.



## **NATIONAL CHARITIES INFORMATION BUREAU**

**212-929-6300**

Provides information on national not-for-profit organizations.

## **NATIONAL FRAUD INFORMATION CENTER**

**800-876-7060**

Provides general information on scams and will refer you to appropriate agencies if you think you've been defrauded.

15



Find agencies on the Internet: Information on state agencies can be found on Missouri's homepage at <http://www.state.mo.us>

## File a lawsuit in small claims court

**MISSOURI'S SMALL CLAIMS** court can help consumers with such problems as a landlord who won't return a deposit or a repairman who said he fixed a pipe that still leaks.

Under state law, consumers who have a claim for up to \$3,000 can, **without hiring a lawyer**, file a lawsuit in small claims court to recoup their money.

Before you file suit in small claims court, make sure there is no other way of settling your dispute. You may save yourself a lot of time and effort.

### HOW SMALL CLAIMS LAWSUITS ARE FILED

- The plaintiff (the consumer who files the lawsuit) submits the legal documents in the associate circuit court of the county in which he lives. The associate circuit court is housed in the county courthouse. If the person or business you are suing is located in another county or if the product or service was bought in another county, you should file the lawsuit in that county.







A fair process: Your lack of legal knowledge should not be a drawback in small claims court.

- Once the lawsuit is filed, a hearing date is scheduled. Hearings may be held in the evening or on Saturday.
- There are modest filing fees in small claims court. You also must pay the cost of mailing the summons by certified mail or delivering it by the sheriff.
- Consumers can file only six lawsuits a year in small claims court.

## WHAT HAPPENS IN COURT

When the court date arrives, the consumer who filed the lawsuit tells his side of the story to the judge. The consumer can call witnesses or use any additional information to explain his case.

The defendant (the party being sued) also explains his side of the story to the judge. Do not be intimidated if the defendant is represented by an attorney. The judge has a responsibility to ensure the proceedings remain informal so your lack of legal knowledge will not hinder you.

The judge then questions all parties associated with the case before making a final decision.

If the judge rules in favor of the consumer who filed the lawsuit, the losing party in the case must pay that consumer.

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## How to prepare your small claims lawsuit

Some points to remember:

1. Organize relevant materials such as bills, receipts and letters so you can make a complete and orderly presentation at the hearing.
2. Prepare a full but brief statement of the facts in your case.
3. Determine what witnesses, if any, you want to have testify. Reluctant witnesses may be subpoenaed if they are important.
4. Check with the court before the hearing to find out if the defendant has been served with the summons. If service has not been made, the clerk can tell you your options. You may seek a continuance — or postponement — of the court date for this or a similar good reason.
5. Be on time for the hearing. Failure to do so may result in dismissal of your lawsuit.



**Court officials, however, do not collect money associated with the judge's ruling.**

Consumers who have trouble recouping money awarded in small claims court have additional legal remedies under the law. Associate circuit court officials can explain those options.

The losing party in small claims court also can file an application for a new trial, which will be heard in circuit court. (You usually will need a lawyer's help.) Those applications must be filed in small claims court within 10 days after the judge's order or the losing party in the case is liable for costs associated with the judgment.



Know the law: You can find Missouri's statutes on the Internet at [www.moga.state.mo.us/homestat.asp](http://www.moga.state.mo.us/homestat.asp)

Find the consumer protection laws in Chapter 407, RSMo.

## Seek legal action in other courts

**WHEN OTHER REMEDIES** fail and if small claims court is not available to you because the amount in controversy is more than \$3,000, you may want to pursue your case in court. You may wish to contact a lawyer to help you.

Missourians who think they have been defrauded or victimized by unfair practices can file a lawsuit under consumer protection laws seeking actual damages.

In addition to contract and fraud claims, Missourians are offered legal recourse under the Merchandising Practices Act. This law protects Missourians against unfair, misleading and deceptive practices in connection with the sale or advertisement of any merchandise or the solicitation of any funds for any charitable purposes in or from the state of Missouri.

The law, found in Chapter 407 of the Missouri Revised Statutes, allows any person who buys or leases goods or services primarily for personal, family or household purposes and suffers an ascertainable loss of money or personal property as a result of

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## IF YOU NEED A LAWYER

Contact the Missouri Bar Lawyer Referral Service at one of these phone numbers:

■ St. Louis: **314-621-6681**

■ Kansas City: **816-221-9472**

■ Greene County: **417-831-2783**

■ Jefferson City: **573-636-3635**

*(There is a fee.)*



Small claims court can't be used to recover disputed amounts exceeding \$3,000.

unfair or deceptive trade practices to bring a private civil action.

The lawsuit may be filed in either the circuit court of the county in which the seller or lessor resides or in which the transaction took place to recover actual damages. The court may at its discretion award punitive damages (damages awarded in excess of normal compensation to the plaintiff to punish a defendant for a serious wrong) and may award to the prevailing party attorney's fees, based on the amount of time reasonably spent.

# Other brochures

## CONSUMER GUIDES

- For senior citizens
- For general public
- For college students

*The above guides include several of the following topics that also are available in these free individual pamphlets:*

## CAR/HOME

- **All About Autos:** Car Repair, Lemon Law, Odometer Rollback, Used Cars
- Charitable Giving
- Door-to-Door Sales
- Home Repair Fraud
- Landlord-Tenant Law
- Lien Law
- Telemarketing Fraud
- Warranties

## INVESTMENT

- Bank Examiner & Pigeon Drop Schemes
- Business Offers
- Home Equity Loans
- Investment Scams
- Pyramid (get-rich-quick) Schemes



## SOLICITATIONS/SALES

- Buying Tips
- Contest Cons
- Magazine Sales
- The Real Deal: Shows kids how to be smart shoppers
- Slamming & Cramming
- Travel Scams
- Vacation Timeshares

## HEALTH

- Health & Fitness Clubs
- Hearing Aids
- **Insurance Coverage:** Detecting Fraud, Long-term Care Insurance, Medicare Supplemental Insurance Fraud
- Pre-need Funeral Plans

## LEGAL/BUSINESS

- Chapter 407: State's consumer protection laws
- Credit Repair Scams
- Crime Victims' Rights
- Going-out-of-Business Sales
- Protecting Victims of Domestic Violence
- Rules for Advertising: Code of State Regulations
- The Court Process: How the criminal justice system works
- The Sunshine Law: Missouri's Open Meetings and Records Law

23

TO GET  
A FREE  
COPY



**WRITE**

Attorney  
General's  
Office,  
P.O. Box  
899,  
Jefferson  
City, MO  
65102



**OR CALL**

Consumer  
Protection  
Hotline:  
**800-392-  
8222**



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